



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 23, 2024

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Al-Mashwali, et al. v. USCIS, et al.*, 23 Civ. 7967 (LGS)

Dear Judge Schofield:

This Office represents the government in this action in which plaintiff Mutaheer Saeed Al-Mashwali (“Al-Mashwali”) challenges the decision of U.S. Citizenship and Immigration Services (“USCIS”) to deny three Petitions for Alien Relative (“Form I-130”) that Al-Mashwali had submitted as petitioner on behalf of each of the remaining named plaintiff beneficiaries, who Al-Mashwali claims are his biological children. On behalf of the government, and together with the plaintiffs, I write respectfully to advise that the BIA recently issued a decision in connection with the appeal of the denial of the Form I-130 relating to plaintiff Salma Mutaheer Saeed Al-Mashwali (“Salma”) and to request an extension of the briefing schedule to allow for the filing of a certified administrative record for that appeal.

By way of background, on December 6, 2023, the Court ordered the government to file the certified administrative record by January 4, 2024, and its motion for summary judgment by January 26, 2024, with a memorandum of law not to exceed 25 pages; plaintiffs to file their opposition and cross-motion for summary judgment by February 16, 2024, not to exceed 40 pages; the government to file its reply and opposition to plaintiffs’ cross-motion for summary judgment by March 8, 2024, not to exceed 25 pages; and plaintiffs to file their reply in support of their cross-motion by March 20, 2024, not to exceed 10 pages. *See* ECF No. 19. At the time, because the BIA had not yet issued a decision on the appeal of USCIS’s denial of the Salma Form I-130, that claim was (in the government’s view) not yet administratively exhausted, unlike the other two Form I-130s for which the BIA had issued a decision. On January 4, 2024, the government filed the certified administrative records for the two I-130 appeals that resulted in a BIA decision. *See* ECF Nos. 20, 21. However, the BIA recently issued a decision on the remaining appeal, and plaintiffs advised that they request leave to file an amended complaint, which the government does not oppose.

Accordingly, the parties respectfully request that the Court enter a revised schedule as follows: plaintiffs shall file their amended complaint by February 16, 2024; the government shall file the certified administrative record relating to Salma’s Form I-130 by February 22, 2024, and file its motion for summary judgment by March 21, 2024, with a memorandum of law not to exceed 25 pages; plaintiffs shall file their opposition and cross-motion for summary judgment by April 11, 2024, not to exceed 40 pages; the government shall file its reply and opposition to plaintiffs’

cross-motion for summary judgment by May 9, 2024, not to exceed 25 pages; and plaintiffs shall file their reply in support of their cross-motion by May 23, 2024, not to exceed 10 pages.

The parties thank the Court for its consideration of this letter.

Respectfully submitted,

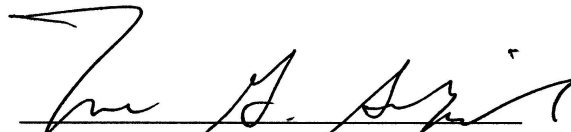
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cc: Counsel of record (via ECF)

Application **GRANTED**. By **February 16, 2024**, Plaintiffs shall file an Amended Complaint. By **February 22, 2024**, the Government shall file the certified administrative record, which shall include a table of contents. By **February 22, 2024**, the Government shall email Schofield_NYSDChambers@nysd.uscourts.gov requesting an upload link for the administrative record. By **March 21, 2024**, the Government shall file its motion for summary judgment, with a memorandum of law not to exceed 25 pages. By **April 11, 2024**, Plaintiffs shall file their opposition and cross-motion for summary judgment, not to exceed 40 pages. By **May 9, 2024**, the Government shall file its reply and opposition to Plaintiffs' cross-motion for summary judgment, not to exceed 25 pages. By **May 23, 2024**, Plaintiffs shall file their reply in support of their cross-motion, not to exceed 10 pages. Notwithstanding the aforementioned page allocation, the parties may reallocate the page numbers as they deem appropriate, so long as neither party exceeds 50 pages of briefing in total. The parties shall otherwise comply with the Court's Individual Rules in filing their motions and supporting papers.

Dated: January 24, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE